

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF TENNESSEE
AT CHATTANOOGA

DANIEL SHELTON, on behalf of himself
and all others similarly situated,

Plaintiff,

v.

IMPERIAL DISTRIBUTORS, INC.,

Defendant.

Case No.: 1:13-cv-00150

Judge: Mattice/Lee

APPROVAL ORDER

Before the Court is the parties' Joint Motion for Approval of Settlement Agreement (Court File No. 33). For good cause shown, the parties' motion (Doc. 33) is hereby **GRANTED**. In light of the parties' representations, Plaintiff's Motion for Court-Supervised Notice (Doc. 17) is hereby **DENIED AS MOOT**.

The Court **ORDERS** as follows:

1. The Court approves the proposed settlement as set forth in the Settlement Agreement (the "Agreement") (Court File No. 34, ex. A), subject to the conditions stated in this Approval Order.
2. The Court, upon agreement of the parties, certifies a class in this action solely for purposes of members of that class taking part in the settlement as outlined in the Agreement. Such class consists of all current and former Imperial Distributors, Inc. ("Imperial") employees who were employed by Imperial as regular, full-time Sales Service

Representatives for at least one full workweek during the period from October 2, 2010 through October 1, 2013 (the “Potential Settlement Class”).

3. The Notice of Wage Dispute Settlement and Notice of Consent forms, attached to the Agreement as Exhibits B-1 and B-2 (respectively, the “Notice Form” and “Notice of Consent Form”), are authorized for distribution to the Potential Settlement Class.

4. Imperial’s counsel will distribute the Notice Form to the Potential Settlement Class via U.S. Mail. Each Notice Form will be accompanied by the Notice of Consent Form and a return envelope, postage pre-paid, addressed to Plaintiff’s counsel.

5. Imperial’s counsel will serve on Plaintiff’s counsel within seven days of the Court entering this Approval Order a list of the names and addresses that Imperial’s counsel will use to distribute the Notice and Notice of Consent Forms to members of the Potential Settlement Class.

6. The Notice and Notice of Consent Forms will be distributed to the Potential Settlement Class within fourteen days of the Court entering this Approval Order.

7. Any member of the Potential Settlement Class who wishes to opt into this lawsuit for settlement purposes and take part in the described settlement must return the Notice of Consent Form by no later than forty-five days following the date on which the Notice and Notice of Consent Forms are mailed to the Potential Settlement Class (the “Settlement Class Deadline”). A member of the Potential Settlement Class who timely returns a Notice of Consent Form is referred to in this Approval Order as a “Settlement Class Member.”

Plaintiff’s counsel must file with the Court within five days of the Settlement Class Deadline Notice of Consent Forms timely returned to Plaintiff’s counsel.

8. No later than twenty-one days after the Settlement Class Deadline, Imperial's counsel will serve on Plaintiff's counsel a list that includes (1) the name of each Settlement Class Member; and (2) the gross and net amount to be paid to each Settlement Class Member as his/her recovery award (the "Final Settlement Class Member Payment"), as well as the records upon which the Final Settlement Class Member Payments are based. Plaintiff's counsel must submit to counsel for Imperial any proposed corrections to this list within twenty-one days of the list and records being served. Any unresolved disputes between the parties with respect to this list will be resolved by the Court.

9. The parties will file with the Court, no later than five days after they confirm the list setting forth the Final Settlement Class Member Payments or the court enters an order resolving any dispute concerning such list, a joint motion for the Court to enter a Final Order in the form attached as Exhibit C to the Agreement, dismissing with prejudice the claims of the Settlement Class Members and the named Plaintiff.

10. Within fourteen days of the Court entering the Final Order, Imperial will (a) make the Final Settlement Class Member Payments by mailing checks to the addresses provided on the completed Notice of Consent Forms, (b) pay the attorneys' fees set forth in the Agreement, and (c) provide Plaintiff's counsel with written confirmation that it has mailed the Final Settlement Class Member Payments by providing a spreadsheet that includes the names of persons paid, the address to which each person's check was mailed, the manner of delivery, and the date of mailing.

SO ORDERED this 7th day of October.

/s/ Harry S. Mattice, Jr.
HARRY S. MATTICE, JR.
UNITED STATES DISTRICT JUDGE

APPROVED FOR ENTRY:

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